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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

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AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 31 2008

DOCKETED BY

IN THE MATTER OF THE APPLICATION OF  
EXTENET SYSTEMS, INC. FOR APPROVAL OF  
A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE PRIVATE LINE  
POINT-TO-POINT FIBER TRANSPORT SERVICE  
FOR WIRELESS SERVICE PROVIDERS.

DOCKET NO. T-20597A-08-0320

PROCEDURAL ORDER

**BY THE COMMISSION:**

On June 24, 2008, Extenet Systems, Inc. ("Extenet" or "Company"), submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide private line point-to-point fiber transport service for wireless providers in Arizona ("Application").

On July 22, 2008, the Commission's Utilities Division ("Staff") filed its Letter of Insufficiency and First Set of Data Requests ("Data Requests") in this matter.

On August 12, 2008, Extenet filed its response to the Data Requests.

On December 24, 2008, Staff filed its Staff Report recommending approval of the Application.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the **hearing** on the above application shall commence on **March 11, 2009, at 10:00 a.m.** or as soon thereafter as is practical, at the Commission's offices, Hearing Room 100, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Company shall publish notice of the hearing as stated below, in a newspaper(s) of general circulation in every county in Arizona in which Company desires to provide service **as soon as possible, but no later than February 11, 2009**, and shall file Affidavits of Publication with the Commission no later than **February 25, 2009**.

**IN THE MATTER OF THE APPLICATION OF EXTENET SYSTEMS, INC.,  
FOR APPROVAL OF A CERTIFICATE OF CONVENIENCE AND  
NECESSITY TO PROVIDE PRIVATE LINE POINT-TO-POINT FIBER  
TRANSPORT SERVICE FOR WIRELESS SERVICE PROVIDERS.**

**Docket No. T-20597A-08-0320**

On June 24, 2008, Extenet Systems, Inc. ("Company") submitted to the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide private line point-to-point fiber transport service for wireless service providers. The Commission's Utilities Division ("Staff") has recommended approval of the Company's application. The Commission is not bound by the proposals made by the Company, Staff, or any intervenors, and the Company will be required to provide this service under the rates and charges and terms and conditions established by the Commission. Copies of the application, report of Staff, and any written exceptions to the report of Staff filed by the Company will be available at the Company's offices [insert address] and on the internet via the Commission website ([www.azcc.gov](http://www.azcc.gov)) using the e-docket function.

The Commission will hold a hearing on this matter beginning **March 11, 2009, at 10:00 a.m.**, at the Commission's offices, Hearing Room 100, 1200 West Washington, Phoenix, Arizona. Public comments will be taken on the first day of the hearing. Written public comments may be submitted via email (visit <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a letter referencing Docket Number **T-20597A-08-0320** to: Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007.

The law provides for an open public hearing at which, under appropriate circumstances, interested parties may intervene. Intervention shall be permitted to any person entitled by law to intervene and having a direct and substantial interest in the matter. Persons desiring to intervene must file a written motion to intervene with the Commission up to the day of the hearing. The motion to intervene must be sent to the Company or its counsel and to all parties of record, and must contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different from the intervenor;
2. A short statement of the proposed intervenor's interest in the proceeding (e.g., a customer of the Company, a shareholder of the Company, etc.); and
3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before February 18, 2009. If representation by counsel is required by Rule 31 of the Rules of the Arizona Supreme Court, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor. For information about requesting intervention, visit the Arizona Corporation Commission's webpage at <http://www.azcc.gov/utility/forms/index.htm>. The granting of intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other witnesses.

1 If you have any questions about this application, you may contact the Company at  
2 **[insert telephone number]**. If you wish to file written comments on the application  
3 or want further information on intervention you may contact the Consumer Services  
4 Section of the Commission at 1200 West Washington Street, Phoenix, Arizona 85007,  
5 or call 1-800-222-7000.

6 The Commission does not discriminate on the basis of disability in admission to its  
7 public meetings. Persons with a disability may request a reasonable accommodation  
8 such as a sign language interpreter, as well as request this document in an alternative  
9 format, by contacting the ADA Coordinator, Linda Hogan, at [LHogan@azcc.gov](mailto:LHogan@azcc.gov),  
10 voice phone number 602-542-3931. Requests should be made as early as possible to  
11 allow time to arrange the accommodation.

12 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
13 105, except that all motions to intervene shall be filed by **February 18, 2009**.

14 IT IS FURTHER ORDERED that any objections to interventions shall be filed by **March 2,**  
15 **2009**.

16 IT IS FURTHER ORDERED that Extenet or any intervenors shall file specific  
17 disagreements/comments, if any, regarding the Staff Report by **March 2, 2009**.

18 **IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the**  
19 **Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law in**  
20 **Arizona and before the Commission and admission *pro hac vice*.**

21 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
22 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
23 Rules of Arizona Supreme Court). Representation before the Commission includes appearance at all  
24 hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled  
25 for discussion, unless counsel has previously been granted permission to withdraw by the  
26 Administrative Law Judge or the Commission.

27 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
28 Communications) applies to this proceeding and shall remain in effect until the Commission's  
Decision in this matter is final and non-appealable.

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IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

Dated this 30<sup>th</sup> day of December, 2008.

  
BELINDA A. MARTIN  
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered  
this 30<sup>th</sup> day of December, 2008 to:

Terry Ray, Vice President and  
Chief Financial Officer  
EXTENET SYSTEMS, INC.  
3030 Warrenville Road, Suite 340  
Lisle, Illinois 60532

Ernest G. Johnson, Director  
Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

George Vinyard, General Counsel  
EXTENET SYSTEMS, INC.  
3030 Warrenville Road, Suite 340  
Lisle, Illinois 60532

ARIZONA REPORTING SERVICE, INC.  
2200 North Central Ave., Suite 502  
Phoenix, Arizona 85004-1184

Janice Alward, Chief Counsel  
Legal Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

By:

  
Belinda A. Martin